IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 3731 (S/S) of 2001
Old No.
Writ Petition No. 37886 of 1996

Bijendra Singh Pawar,
Son of Sri Nain Singh Pawar,
Resident of Village – Dadmali Dhanari,
District – Uttarkashi. .....Petitioner

Versus

1. State of U.P. through Secretary, Forest Department, Bidhan Bhawan, Lucknow.
2. The Principal Chief Conservator of Forest, 17 Rana Pratap Marg, Lucknow
3. The Chief Conservator of Forest, Garhwal Region, 85, Rajpur Road, Dehradun.
4. Conservator of Forest, Bhagirathi Circle, Muni-ki-Rati, Tehri Garhwal.
5. Divisional Forest Officer, Uttarakashi, Forest Division, Kot Bangla, Uttarkashi.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Bhim Singh Bisht, holding brief of Sri P.C. Jhingan, learned counsel for the petitioner and learned standing counsel for the respondents

By means of this writ petition, the petitioner has prayed for following reliefs:

(i) To issue a writ, order to direction in the nature of Mandamus commanding the respondents to regularize the service of the petitioner with effect from the date of his initial appointment of the post held by him in the Forest Department.

(ii) *To issue a writ, order or direction in the nature of Mandamus commanding the respondents to pay arrears of direction of pay to the petitioner from the date of his initial appointment of the post held by him in the Forest Department.*

(iii) *To issue any other suitable writ, order or direction which this Hon'ble court may deem fit and proper in the circumstance of the case.*

The submission of the petitioner is that petitioner was appointed in the forest department on daily wage on the post of Clerk-cum-Typist in the month of August,1990 and since then he is continuously working in the department.

Learned counsel for the parties has submitted that petitioner may be regularized in pursuance to the judgement and order dated 21.02.2002 passed by the Hon'ble Supreme Court in Civil Appeal No. 3634 of 1998 (State of U.P. and others Vs. Putti lal) and the case of the petitioner is squarely covered by the aforesaid judgement.

In view of the above, in case petitioner's case is covered by the aforesaid judgment he may be considered by the respondents for regularization in accordance with the judgement given by Hon'ble Supreme Court in Civil Appeal No. 3634 of 1998 (State of U.P. and others Vs. Putti lal).

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

April 05, 2006
SKSharma